



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/176,067	10/20/98	DURANT	G 47578

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HM22/0327

EXAMINER

O SULLIVAN, P

ART UNIT

PAPER NUMBER

1621

4

DATE MAILED:

03/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/176,067

Applicant(s)
Durant et al.

Examiner
Peter O'Sullivan

Group Art Unit
1621



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 0 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-45 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-45 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1209

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 1-6, 10, 11, 19-24 and 26-45, drawn to acylguanidines, methods and compositions, classified in class 514, subclass 634.
 - II. Claims 7, 8, 10, 11, 19-24 and 26-45, drawn to benzofused five membered nitrogen containing ring compounds, methods and compositions, classified in class 514, subclass 395.
 - III. Claims 9, 10, 11, 19-24 and 25-45, drawn to benzofused six membered nitrogen containing ring compounds, methods and compositions, classified in class 514, subclass 255.
 - IV. Claims 12, 19-24 and 26-45, drawn to isoquinoline compounds, methods and compositions, classified in class 514, subclass 307.
 - V. Claims 13, 16, 19-24 and 26-45, drawn to tricyclic five membered nitrogen containing ring compounds, methods and compositions, classified in class 514, subclass 411.
 - VI. Claims 14 and 19-45, drawn to phenanthridene compounds, methods and compositions, classified in class 514, subclass 298.
 - VII. Claims 15 and 19-45, drawn to seven membered nitrogen and further heteroatom containing compounds, methods and compositions, classified in class 514, subclass 211..

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VIII. Claims 17, 18, 19-24 and 26-45, drawn to tricyclic seven membered hexamethyleneimine compounds, methods and compositions, classified in class 514, subclass 217.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-VIII are held to be distinct inasmuch as each group is non-overlapping and the compounds claimed in each would not necessarily suggest each other to one skilled in the art. The compounds in each group are widely disparate in structure and each claims compounds with a varying core.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. The search for each invention would be different than for the other inventions.

4. Applicants are further required to elect a single disclosed species, i.e. a single compound and method of using for examination purposes.

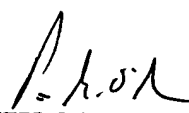
5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

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amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter O'Sullivan whose telephone number is (703) 308-4526.


PETER O'SULLIVAN
PRIMARY EXAMINER
GROUP 1200